

1 HONORABLE THOMAS S. ZILLY  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 KYLLE AND SHAWNETTE BERNETHY,  
11 individually and on behalf of their marital community,

12 Plaintiffs,

13 v.

14 LAKECOURT APARTMENTS, LLC, a Washington  
15 limited liability company; FANEUIL HALL  
16 APARTMENTS, LLC, a Washington limited liability  
company; and MIKE and TONYA HEATHMAN, a  
marital community,

17 Defendants.

18 LAKECOURT APARTMENTS, LLC, a Washington  
19 limited liability company; FANEUIL HALL  
20 APARTMENTS, LLC, a Washington limited liability  
company; and MIKE and TONYA HEATHMAN, a  
marital community,

21 Counterclaimants,

22 v.

23 KYLLE AND SHAWNETTE BERNETHY,  
24 individually and on behalf of their marital community,

25 Counterclaim Defendants.

NO. 2:18-CV-01014-TSZ

STIPULATED MOTION FOR  
DISMISSAL BASED UPON  
PLAINTIFF'S WITHDRAWAL OF  
REMAINING CLAIMS AND  
PAYMENT BY COUNTERCLAIMANT  
DEFENDANTS TO  
COUNTERCLAIMANTS

AND

ORDER

1                   **I.        STIPULATION**

2                   Counterclaimants Lake Court Apartments, LLC, Faneuil Hall Apartments, LLC, Mike  
3 Heathman and Tanya Heathman (“Counterclaimants”), by and through their attorneys of record,  
4 hereby stipulate that their counterclaims against Counterclaim Defendants Kylle Bernethy and  
5 Shawnette Bernethy (collectively “Counterclaim Defendants”) shall be dismissed with prejudice upon  
6 the payment of \$10,000 by Kylle and Shawnette Bernethy to Counterclaimants’ for Counterclaimants’  
7 claims against Kylle and Shawnette Bernethy for: (1) defamation; (2) negligent misrepresentation; (3)  
8 intentional misrepresentation; (4) fraud/fraudulent inducement; (5) tortious interference; (6) unjust  
9 enrichment; and (7) breach of fiduciary duties.

10                  The parties further acknowledge that on February 13, 2020 and pursuant to Defendants’ Lake  
11 Court Apartments, LLC, Faneuil Hall Apartments, LLC, Mike Heathman’s and Tanya Heathman’s  
12 (collectively “Defendants”) Motion for Summary Judgment, the Court dismissed with prejudice the  
13 following claims brought by Plaintiffs Kylle and Shawnette Bernethy: (1) unpaid wages; (2) breach  
14 of contract as to any alleged claims regarding a property management position and/or rent concession;  
15 (3) unjust enrichment as to any alleged claims regarding a property management position and/or rent  
16 concession; (4) violation of the Washington Law Against Discrimination; (5) Whistleblower  
17 Retaliation and Wrongful Termination; and (6) Intentional and/or Negligent Infliction of Emotional  
18 Distress.

19                  Although the Court allowed Plaintiffs’ claims of breach of contract and unjust enrichment as  
20 they relate only to work Plaintiffs allege they did at Faneuil Hall Apartments to proceed to trial, upon  
21 filing of this Stipulation, Plaintiffs shall be and are hereby deemed to have withdrawn those remaining  
22 claims, which shall be dismissed with prejudice without any payment to Plaintiffs and/or any costs or  
23 fees to Plaintiffs.

24                  It is further stipulated that an Agreed Order of Dismissal may be presented without notice of  
25 presentation.  
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1 OGDEN MURPHY WALLACE, P.L.L.C.

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3 By /s/ Kari I. Lester  
4 Kari I. Lester, WSBA #28396  
Attorneys for Defendants/Counterclaimants

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6 LEGAL RESOLUTIONS, PLLC

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8 By /s/ Josias Flynn  
9 Josias Flynn, WSBA #44130  
Attorneys for Plaintiffs/Counterclaim Defendants

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STIPULATED MOTION FOR DISMISSAL BASED UPON PLAINTIFF'S  
WITHDRAWAL OF REMAINING CLAIMS AND PAYMENT BY  
COUNTERCLAIMANT DEFENDANTS AND ORDER- 3  
NO. 2:18-CV-01014-TSZ

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## **II. ORDER OF DISMISSAL**

Based upon the above Stipulation of the parties, it is hereby ORDERED AND ADJUDGED that the above-referenced matter shall be dismissed with prejudice and with each side to bear their own fees and costs.

Dated this 26th day of June, 2020.

Thomas S. Bally

Thomas S. Zilly  
United States District Judge

Presented by:

OGDEN MURPHY WALLACE, P.L.L.C.

By /s/ Kari I. Lester  
Kari I. Lester, WSBA #28396  
Attorneys for Defendants/Counterclaimants

## LEGAL RESOLUTIONS, PLLC

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